



United States Department of the Interior
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT
WASHINGTON, DC 20240-0001

In Reply Refer To:
Mail Stop VAE-BSEE-FOIA

April 24, 2019

Mr. Sam Richards
MuckRock News
DEPT MR 70777
411A Highland Ave
Somerville, MA 02144-2516

Dear Mr. Richards:

The Bureau of Safety and Environmental Enforcement (BSEE) FOIA office received your Freedom of Information Act (FOIA) request on April 1, 2019 and assigned it control number **BSEE-2019-00133**. Please cite this number in any future communications with our office regarding your request. You have requested: All emails or other records including the keywords "Kisor v Wilkie", "Kisor", "Supreme Court", "SCOTUS", "Auer doctrine", "Chevron deference".

On April 3, 2019, we discussed this request on the phone and you agreed to exclude news articles and news subscriptions as long as they had no additional commentary. We also agreed to limit the scope to the Director's office for emails.

We are writing to respond to your request. After a thorough search of our files, the BSEE did not locate records responsive to your request.

Appeal Rights—[43 C.F.R. §§ 2.57, .58, .59](#)

In accordance with [43 C.F.R. §§ 2.57, .58, .59](#), you may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the BSEE's response is in error. You must also include with your appeal copies of all correspondence between you and BSEE concerning your FOIA request, including your original FOIA request and BSEE's response. Failure to include with your appeal all correspondence

between you and BSEE will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

Conclusion

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. *See* [43 C.F.R. § 2.49\(a\)\(1\)](#). Therefore, there is no billable fee for the processing of this request.

If you have any questions concerning your request, please contact me at BSEEOFIA@bsee.gov.

Sincerely,

/s/Ashley Rychak
Ashley Rychak
Government Information Specialist (FOIA)
BSEE FOIA Office